

SERVICE DATE – MAY 12, 2017

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB 547X

ROARING FORK RAILROAD HOLDING AUTHORITY—ABANDONMENT  
EXEMPTION—IN GARFIELD, EAGLE, AND PITKIN COUNTIES, COLO.

Decided: May 12, 2017

By decision and notice of interim trail use or abandonment (NITU) served on October 16, 1998, the Roaring Fork Railroad Holding Authority (RFRHA) was granted an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 to abandon a 33.44-mile line of railroad known as the Aspen Branch, described as extending from milepost 360.22 near Glenwood Springs to the end of the line at milepost 393.66 near Woody Creek, in Garfield, Eagle, and Pitkin Counties, Colo. (the Line). The NITU also authorized RFRHA to rail bank the right-of-way in its own name.

At the request of RFRHA and the Roaring Fork Transportation Authority (RFTA), the Board issued a replacement NITU on November 30, 2001, substituting RFTA for RFRHA as the interim trail user. On August 23, 2004, RFTA acquired RFRHA's remaining interests in the Line.<sup>1</sup>

By letter filed September 30, 2016, RFTA indicates that, as a result of survey and title work, it has come to its attention that the description of the Line is incorrect. The description provided in 1998 by RFRHA (and reiterated throughout the proceeding) describes the Line as beginning at milepost 360.22 in Glenwood Springs, but RFRHA's (and now RFTA's) actual ownership began at milepost 360.31 in Glenwood Springs.<sup>2</sup> RFTA asks the Board to correct this error.

Additionally, RFTA asks the Board to terminate interim trail use on a portion of the Line and issue a replacement NITU. RFTA seeks to remove a certain portion of the Line from the NITU and to consummate abandonment of that portion to facilitate a road relocation and improvement project by the City of Glenwood Springs (the City). Specifically, RFTA requests that the Board terminate interim trail use on the Line from milepost 360.31 to milepost 360.51. RFTA requests a replacement NITU beginning at RFTA's connection with Union Pacific

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<sup>1</sup> Roaring Fork Transp. Auth.—Acquis. & Operation Exemption—Roaring Fork R.R. Holding Auth., FD 34532 (STB served Aug. 23, 2004).

<sup>2</sup> The zip codes and physical location of the Line remain the same.

Railroad Company (UP) on the Western Wye at milepost 0.27 and continuing to milepost 393.66 near Woody Creek.

On November 16, 2016, History Colorado, the State Historic Preservation Officer (SHPO), submitted a letter indicating that a Memorandum of Agreement would be necessary to mitigate any adverse effects on historic properties. The SHPO and the City reached such an agreement and submitted an executed copy to the Board's Office of Environmental Analysis (OEA) on April 7, 2017.<sup>3</sup>

Accordingly, as described herein, the Board will correct the description of the Line and issue a replacement NITU.

It is ordered:

1. This proceeding is reopened.
2. The record is corrected to reflect that RFTA's ownership of the Line at issue begins at milepost 360.31, rather than 360.22, in Glenwood Springs.
3. The NITU served on November 30, 2001, is vacated.
4. A replacement NITU applicable to the portion of the Line beginning at RFTA's connection with UP on the Western Wye at milepost 0.27 and continuing to milepost 393.66 near Woody Creek is issued to RFTA, effective on the service date of this decision.
5. Interim trail use/rail banking is subject to the future restoration of rail service and to the trail sponsor's continuing to meet the financial obligations for the right-of-way.
6. If the trail sponsor intends to terminate trail use, it must send the Board a copy of this NITU and request that it be vacated on a specified date.
7. RFTA may fully abandon the remainder of the Line from milepost 360.31 to milepost 360.51.
8. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

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<sup>3</sup> OEA Environmental Correspondence Tracking Number EI-25904.